



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,575	08/05/2003	Ching-Nu Chiu	SII013	6991

25271 7590 03/30/2004

GALLAGHER & LATHROP, A PROFESSIONAL CORPORATION
601 CALIFORNIA ST
SUITE 1111
SAN FRANCISCO, CA 94108

EXAMINER

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,575	Applicant(s) CHIU, CHING-NU	
	Examiner Frantz F. Jules	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4, 6, 7-8 are rejected under 35 U.S.C. 102(e)(1) as being anticipated by Wang (US 6,688,703).

Claims 1-2, 4, 6, 7-8

Wang discloses A wheel cover assembly for a vehicle wheel, comprising an anchor member (1) adapted to be secured to the vehicle wheel and including a disc-shaped base plate having an inner side, an outer side opposite to said inner side, and a shank hole formed through said inner and outer sides as shown in fig. 3; a cover member (2) including a disc-shaped cover plate having a front side, a rear side opposite to said front side and disposed to confront said outer side of said base plate, and a shank (21) extending from said rear side and passing through said shank hole, said shank (21) having a distal end distal from said rear side of said cover plate and provided with a spring seat thereon constituted by washer and nut assembly (211, 212); and a biasing member (131) sleeved on said shank and having one end abutting against said inner

Art Unit: 3617

side of said base plate and an opposite end abutting against said spring seat so as to provide a biasing force for pulling said cover plate toward said base plate.

The vehicle wheel including a wheel rim and a tire body (3) mounted on the wheel rim, the wheel rim having an outer side formed with a cover mounting recess that is defined by an annular side wall shown in fig.7, wherein said anchor member is adapted to be disposed in the cover mounting recess and further includes:

a plurality of resilient engaging blocks that extend from said inner side of said base plate and that are angularly spaced apart from each other, each of said engaging blocks having radial outer and inner sides to be disposed proximate to and distal from the annular side wall, respectively; and a retaining ring disposed to engage said radial inner sides of said engaging blocks so as to force said engaging blocks in radial outward directions, thereby enabling tight engagement between said radial outer sides of said engaging blocks and the annular side wall of the wheel rim in accordance with claim 2.

The biasing member being a coiled compression spring in accordance with claim 4.

The cover plate having an area sufficient to conceal the anchor in accordance with claim 6.

The wheel cover comprising a plurality of biasing members sleeved on said shanks and adapted to be received in holes evenly distributed in said base plate as shown in fig. 3 in accordance with claims 7-8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3617

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view Ladouceur (US 5,595,422).

Claim 5

Wang teach all the limitations of claim 5 except for a wheel cover comprising a buffer pad between the outer side of the base plate and the rear side of the cover plate. The general concept of providing a buffer pad between the outer side of a wheel structure and the rear side of the cover plate is well known in the art as illustrated by Ladouceur which discloses the teaching of a buffer pad (73) between the outer side of the base plate and the rear side of the cover plate, see fig. 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wang to incorporate a buffer pad between the outer side of the base plate and the rear side of the cover plate in his advantageous wheel cover as taught by Ladouceur in order to protect the cover from damage during installation and removal of the wheel cover.

Allowable Subject Matter

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 3617

Lida, Wang'537, and Wang'396 are cited to show related wheel cover comprising retaining ring positioned on a biasing member.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules
Examiner
Art Unit 3617

FFJ

March 24, 2004

FRANTZ F. JULES
PATENT EXAMINER
